IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 5309 of 1994

Between:

H.Ramesh Kumar, S/o.Rangaiah,

Aged about 27 years, R/o.Suryapet,

Nalgonda District.

..... PETITIONER

AND

1. The Presiding Officer, Labour Court-III, Hyderabad.
2. The Director of Municipal Administration,

   4th Floor, MCH Building, Hyderabad.
3. The Commissioner, Suryapet Municipality,

   Suryapet, Nalgonda District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly in the nature of Writ of Mandamus declaring the award passed by the 1st respondent-Labour Court-III in I.D.No.562/92 and declare that the action of the 3rd Respondent Court is illegal for non-granting of back wages from 22-03-1990 till 23.4.1993 and further to direct the respondent to

pay the wages for the said period.

Counsel for the Petitioner : MR.P.RAGHAVENDRA REDDY

Counsel for the Respondent No.1 and 2 : G.P. FOR LABOUR.

Counsel for the Respondent No.3 : SRI R.THIMMA REDDY, Standing Counsel

The Court made the following :

O R D E R:

The Writ Petition is filed challenging the Award, dated 09-03-1993, passed by the Labour Court III, Hyderabad in I.D.No.562 of 1992, to the extent of denying the back-wages and also treating the period of absence as loss of pay.

2. The petitioner was working as N.M.R. in the Suryapet Municipality and that on account of sickness he could not attend the duties. Thereafter, when he intended to report the duty, he was refused to join the duty and therefore, he raised an industrial dispute in I.D.No.562 of 1992. The Tribunal after considering the material passed the Award dated 09-03-1993 directing the management to take back the petitioner into service with continuity of service, but without back-wages. It was further directed that the period of absence from 01.04.1989 to 22.03.1990 should be treated as leave on loss of pay. To the extent of the aforesaid denial, the present Writ Petition has been filed.

3. The learned Counsel for the petitioner submits that the award of the Tribunal is wholly unsustainable in law inasmuch as the action of the management was held to be illegal and as such the petitioner is entitled for all the consequential benefits.

4. The said contention cannot be accepted as the adjudicating authority has power to mould the relief depending on the circumstances of each case. In the instant case, directing the management to take back the petitioner into service with continuity of service, the denial was made with regard to back-wages and also the period of absence was treated as loss of pay. Such an order cannot be said to be without jurisdiction and I am not inclined to interfere with the same by invoking jurisdiction under Article 227 of the Constitution of India.

4. The Writ Petition is accordingly dismissed. No costs.

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(G.BIKSHAPATHY,J)

Dated :22-07-2004

gs/ghn

To

1. The Presiding Officer, Labour Court-III, Hyderabad.

2. The Director of Municipal Administration,

4th Floor, MCH Building, Hyderabad.

3. The Commissioner, Suryapet Municipality,

Suryapet, Nalgonda District.

4. 2CCs to G.P. for Labour, High Court buildings, Hyderabad(OUT)

5. 2CD copies